

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVE ALBA, *et al.*,

No. C-05-1667 TEH (EMC)

Plaintiffs,

**ORDER RE FURTHER SETTLEMENT  
CONFERENCE**

v.

CITY AND COUNTY OF SAN  
FRANCISCO,

Defendant.

Further Settlement Conference is scheduled for **June 23, 2006, at 9:30 a.m.**, Courtroom C, 15th Floor, 450 Golden Gate Avenue, San Francisco, California 94102. Updated Settlement Conference statements shall be lodged with Judge Chen's chambers by **June 16, 2006**.

The Settlement Conference statement shall include briefing on two legal issues: (1) the proper treatment of P.T.O. under the FLSA (whether under the FLSA PTO hours are counted in determining OT threshold and number of OT hours compensable; whether the employer is entitled to credit for OT paid which includes OT due to P.T.O. hours counted under an MOU); and (2) whether a 7(k) exemption can be applied retroactively.

In the meanwhile, Plaintiffs will designate an accountant who will meet and confer with Defendant's accountant and jointly decide on alternative models to run in preparation for the next Settlement Conference.

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1 Formal discovery is stayed, but the parties are expected to exchange information sufficient to  
2 engage in substantive settlement negotiations. Parties are to keep attorney time to a minimum and  
3 are expected to devote resources exclusively towards preparation for the next Settlement  
4 Conference.

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6 IT IS SO ORDERED.

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8 Dated: April 25, 2006

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11 EDWARD M. CHEN  
12 United States Magistrate Judge  
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